

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DRAKE A. EDWARDS,

Plaintiff,

:

Case No. 3:14-cv-374

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

DAYTON VETERANS MEDICAL CENTER,

Defendant.

:

REPORT AND RECOMMENDATIONS

Fed. R. Civ. P. 4(m) provides that a case in federal court shall be dismissed unless service is completed within 120 days of filing. This case was filed October 29, 2014; the 120th day after filing was February 26, 2015. Plaintiff has received notice from the United States Attorney that service was not complete and notice from the Court that the case would be dismissed if service were not completed by February 26, 2015 (Notice, Doc. No. 6; Order, Doc. No. 7). The docket shows that service has not been completed.

It is therefore respectfully recommended that this case be dismissed without prejudice for lack of service of process.

March 5, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).